

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

F041290 People v. Erwin, Jr.

Cause called and argued by Dennis A. Fischer, Esq., counsel for appellant. Harry J. Colombo, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

F043502 Brasher's Cascade Auto Auction v. Valley Auto Sales

Cause called and argued by Lawrence W. Miles, Esq., counsel for appellant and by D. Mitchell Taylor, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Monday, May 17, 2004 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Timothy S. Buckley, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

F043332 Baxter v. Turlock Health and Fitness Center, Inc.

Parties stipulate that (1) Levy, J., the absent assigned justice, participate in the determination of this appeal, and (2) Levy, J. to listen to the tape recording of oral proceedings upon his/her return.

Cause called and argued by Michael S. Warda, Esq., counsel for appellant and by Abraham Camhy, Esq., counsel for respondent.

Submission deferred until Monday, May 24, 2004 for Levy, J. to listen to the tape recording of oral argument.

Court recessed until Thursday, May 20, 2004 at 1:30 P.M.

F041256 People v. Battaglia

Appellant's petition for rehearing filed herein is denied.

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F042270 Johnston et al. v. Clark et al.

The judgment is reversed and the matter is remanded for further proceedings. Appellant shall recover costs on appeal. Dawson, J.

We concur: Dibiaso, Acting P.J.; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045189 In re Salvador M., a Minor

The order terminating parental rights is reversed and the matter is remanded to the juvenile court for further proceedings. The court Administrator/Clerk of this court is hereby directed to issue an immediate remittitur.

F043182 People v. Romine

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F043182 People v. Romine

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042374 People v. Geary

Appellant's petition for rehearing filed herein is ordered withdrawn.

The opinion filed on April 15, 2004, is vacated.

F042508 Faruki v. Merced County Department of Child Support Services

The parties having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F042508 Faruki v. Merced County Department of Child Support Services
The judgment is affirmed. Costs on appeal are awarded to respondent.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042109 People v. Brown
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F042109 People v. Brown
The judgment is affirmed. Ardaiz, P.J.

We concur: Buckley, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]